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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/720,187 | 11/25/2003 | Masahide Nakaya | 244768US2CONT | 4217 |
| 22850 | 7590 | 09/21/2004 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | TRAN, HOAN H | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2852 | | |

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/720,187 | NAKAYA, MASAHIKE | |
| | Examiner Hoan H. Tran | Art Unit 2852 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13,14 and 24-37 is/are rejected.
- 7) Claim(s) 15-23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 10/118,140.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/25/2003</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - Line 2 of the amendment to the specification filed 11/25/2003, “10/110,118” needs to be corrected as --10/118,140--.

Appropriate correction is required.

Claim Objections

2. Claims 14, 15, 21-24, 36 and 37 are objected to because of the following informalities:
 - Claims 14, 15 and 21, line 1, replace “device’ with --apparatus--.
 - Claim 15, line 3, replace “by”(first occurrence) with --be--.
 - Claim 22, line 2, after “element” insert --and--.
 - Claim 23, line 3, after “element” insert --and--.
 - Claim 24, line 3, replace “device” with --apparatus--.
 - Claim 24, line 4, replace “device” (both occurrences) with --section--.
 - Claim 30, line 2, replace “device” with --apparatus--.
 - Claim 36, line 2, replace “device” with --apparatus--.
 - Claim 37, line 3, replace “device” with --apparatus--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 21 recites the limitation "said pulse width modulation device" in lines 1-2.
There is insufficient antecedent basis for this limitation in the claim.
- Claim 24 recites the limitation "said relay" in line 4. There is insufficient antecedent basis for this limitation in the claim.
- Claim 25 recites the limitation "said energy saving control section " in lines 1-2.
There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13, 14, 25, 26, 27, 31-33 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirst et al. ['902]

Hirst et al. disclose an image forming apparatus [200] comprising a power supply that supplies power to the components used in the apparatus [Col. 4, lines 1-4], a fixing device [202] including a heating source [236] and a power control circuit [250] acts as a fixing device control

section and an energy saving control section [Col. 4, lines 9-45] which supplies different power levels to the heating source at different modes.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 24, 28-30 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirst et al. in view of Yamamoto ['148]

Hirst et al., as discussed above, disclose the claimed invention except for an abnormal detection means.

Yamamoto discloses an image forming apparatus comprising an abnormal detection means [See Abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image forming apparatus disclosed by Hirst et al. with an abnormal detection means as taught by Yamamoto for the purpose of reducing a power loss in the wait state of the image forming apparatus.

Allowable Subject Matter

9. Claims 15-20, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art of record teaches or suggests an image forming apparatus comprising an energy saving control release switch coupled to the energy saving control section and configured to be operated by an operator.

Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Yun et al. ['353] disclose a printer and power controlling method.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoan H. Tran whose telephone number is (571) 272-2141. The examiner can normally be reached from 8:30 AM - 5:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Arthur Grimley can be reached at (571) 272-2136. The central office fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

HHT
September 16, 2004


HOAN TRAN
PRIMARY EXAMINER